



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

COPY MAILED

APR 26 2005

OFFICE OF PETITIONS

In re Application	:
Lu, et al.	:
Application No. 09/688,017	: DECISION ON APPLICATION
Filed: October 13, 2000	: FOR PATENT TERM ADJUSTMENT
Atty Docket No. 20054-001110US	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed February 23, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to forty-two (42) days.

The application for patent term adjustment under § 1.705(b) is **DISMISSED**. Applicants did not pay the required \$200 PTA fee, and as such, the Office will not look into the matter on the merits. Applicants are given **THIRTY (30) DAYS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Please note that The Office will hold in abeyance any request that additional PTA be accorded for the failure to issue the patent within three years until after the patent issues, even where applicants filed an RCE.<sup>1</sup>

<sup>1</sup> Applicants should note that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period of pendency before the Office except for periods excluded under 35 U.S.C. (b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in

The application file is being forwarded to the Office of Patent Publication for timely issuance of the patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

*Karin Ferriter  
JFZ*

Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy